Trujillo v. Apple Computer, Inc. et al Doc. 122

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSE TRUJILLO, individually and on behalf of all others similarly situated, Plaintiff, v. APPLE COMPUTER, INC., a California Corporation, and AT&T MOBILITY LLC, a Georgia Corporation, Defendants.	No. 07 CV 04946 Judge Kennelly Mag. Judge Ashman

DEFENDANT AT&T MOBILITY LLC'S MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS MOTION TO COMPEL ARBITRATION AND DISMISS ACTION

Defendant AT&T Mobility LLC ("ATTM") respectfully requests leave to submit supplemental authority in support of its motion to compel arbitration and dismiss this action. Specifically, ATTM seeks leave to submit the recent decision of the U.S. District Court for the Southern District of Illinois in *Crandall v. AT&T Mobility LLC*, Civil No. 07-750-GPM (S.D. Ill. July 18, 2008) (Murphy, J.) (attached as Exhibit A). This decision is relevant to Trujillo's arguments that ATTM's current arbitration provision is unconscionable under Illinois law. In *Crandall*, the court held that an earlier arbitration provision used by ATTM's predecessor, AT&T Wireless Services, Inc. —one that, like ATTM's current provision, required arbitration on an individual basis, but was not as favorable to customers as the provision at issue in this case—is enforceable under Illinois law.

WHEREFORE, Defendant AT&T Mobility LLC ("ATTM") respectfully requests leave to submit this supplemental authority in support of its motion to compel arbitration and dismiss this action.

Dockets.Justia.com

Dated: July 23, 2008

Respectfully submitted,

/s Sarah E. Reynolds

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CERTIFICATE OF SERVICE

I, Sarah E. Reynolds, an attorney, I hereby certify that on July 23, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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